

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MIKE GUERRA,

Plaintiff,

v.

No. CV 12-62 JP/GBW

DON DOUGLAS, L.C.C.F.
Medical Director, and JANE/
JOHN DOES 1-4,

Defendants.

ORDER

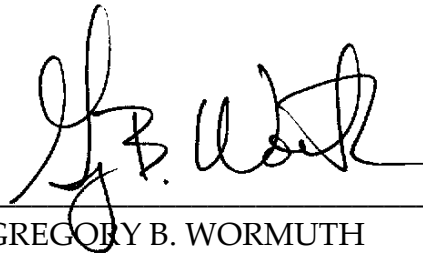
This matter comes before the Court on Plaintiff's Motion/Request to Allow a Supplemental Issue and Facts into the Record on this Case. *Doc. 26*. The motion will be granted as construed herein.

In this motion, Plaintiff alleges that he had requested copies of documents contained in his medical file. In the course of reviewing the file to determine which particular documents he wished to request, Plaintiff claims that he observed a document in the file with "a 'handwritten' notation by Defendant Huston stating 'no bruising, no abrasions.'" Plaintiff requested a copy of this document. When the various requested copies were delivered to Plaintiff, a copy of that document was not included. Plaintiff states that "said missing document ... is crucial discovery for Plaintiff which would greatly aid Plaintiff in strengthening his 8th amendment of deliberate

indifference against Nurse Huston.” The Court construes Plaintiff’s motion as a request that the Court order Defendant to provide Plaintiff with a copy of the described document.

Defendants have not responded to Plaintiff’s motion. As such, they have consented to its granting. *See* D.N.M.LR-Civ. 7.1(b).

Wherefore, **IT IS HEREBY ORDERED** that Defendants shall provide Plaintiff with a copy of the described document or file a pleading with a sworn affidavit averring that such document does not exist.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE